

Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 11, 21, 27 and 31 have been amended. No claims have been cancelled. Therefore, claims 1-33 and 36-39 are presented for examination.

Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horvitz et al. (U.S. Pub. No. 2003/0046421). Further, claims 8-9, 18-19, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz. Claims 2, 12, 37 and 39 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of what was well known in the art. Applicants submit that the present claims are patentable over Horvitz.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. See Horvitz at paragraph [0007].

Claim 1 of the present application recites:

A method, comprising:
providing a digital assistant having an event
detector and an agent selector;
receiving by the event detector information of an
event from an information provider;

determining by the event detector a level of importance of the event relative to a user of the digital assistant;

weighing by the agent selector the level of importance of contacting the user of the digital assistant against an intrusion to the user if the digital assistant handles the event itself, wherein the level of importance of the event and the intrusion to the user is determined by rules specified by user preferences in profile information defined by the user;

handling, by the digital assistant, the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event to resolve the event in lieu of the user;

the agent selector searching the user preferences in profile information, calculating geographic coverage and network limitations for determining a preferred mechanism to contact the user in order for the user to resolve the event if the level of importance is greater than the second threshold; and

contacting, by the digital assistant, the user.

Applicant submits that Horvitz fails to disclose or suggest a process of an agent selector *calculating geographic coverage or network limitations* for determining a preferred mechanism to contact a user.

Further, applicant maintains that Horvitz does not disclose or suggest a digital assistant handling an event without contacting a user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, wherein the handling includes the digital assistant responding to an originator of the event *to resolve the event* in lieu of the user, as recited by claim 1. (Emphasis added.) The Final Office Action asserts that Horvitz discloses this feature at Figures 23-26 and paragraphs [0017], [0074]-[0075], [0083], [0018], and [0275] where a "user is not

contacted if the message priority is not high enough to disturb the user (if he is in a critical, or more important, meeting)". (Office Action at pg. 7.)

However, nowhere in the cited portion of Horvitz is there disclosed handling, by a digital assistant, an event without contacting a user...the handling including the digital assistant responding to an originator of the event *to resolve the event in lieu of the user*. The description in Horvitz only provides for auto-replying to a sender of the text based on a very general "routing criteria". (Horvitz at paragraph [0275].) This auto-reply feature of Horvitz only lets a sender of message know that the user is not available; the system does not actually *resolve* the event in lieu of the user. At best, it delays the resolving of the event until a later time when the user is available to resolve the event herself.

For the reasons discussed above, claim 1, as well as its dependent claims, is patentable over Horvitz, even in view of any non-cited prior art.

Independent claims 11, 21, 27, and 31 recite limitations similar to those recited in claim 1. Therefore, claims 11, 21, 27, and 31, as well as their respective dependent claims, are patentable over Horvitz for the reasons discussed above with respect to claim 1.

Claims 7, 17, 26, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al., in view of Fisher et al. (U.S. Patent No. 5,835,896). Applicant submits that the present claims are patentable over Horvitz even in view of Fisher. Fisher does not remedy the deficiencies of Horvitz as far as disclosing the claims of the present application. As a result, the present claims are also patentable over Horvitz, even in view of Fisher.

Applicant submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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